

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, ex rel.)
LOUIS LONGO,)

Plaintiff-Relator)

v.)

Case No. 2:17-cv-01654-MJH

WHEELING HOSPITAL, INC.,)
R&V ASSOCIATES, LTD., and)
RONALD L. VIOLI)

Defendants.)

DECLARATION MEENA SINFELT, ESQ.

I, MEENA SINFELT, hereby declare as follows:

1. I am an adult over the age of eighteen (18) and a resident of the Commonwealth of Virginia. I am a partner of the law firm of Barnes & Thornburg LLP that serves as counsel to Defendant Wheeling Hospital, Inc. in this case. I respectfully submit this Declaration in support of Defendants' Motion to Transfer Venue of this case to the United States District Court for the Northern District of West Virginia. The information contained in this Declaration is based upon my personal knowledge. If called to testify, I would state as follows:

2. I served as counsel to Defendant Wheeling Hospital during the Government's investigation, prior to its intervention in this case. During the investigation, two Wheeling Hospital employees, Scott McKeets, the then-Chief Operating Officer, and Jim Murdy, the Chief Financial Officer, provided investigative testimony pursuant to Civil Investigative Demands ("CID") issued by the Director of the Commercial Litigation Branch of the United States Department of Justice ("DOJ") in Washington, D.C. Attached hereto as **Exhibit A** is a true and correct copy of the

Government's May 16, 2018 CID to Mr. McKeets. Attached hereto as **Exhibit B** is a true and correct copy of the Government's May 16, 2018 CID to Mr. Murdy.

3. At page 1 of both CIDs, the Government demanded that each witness give oral testimony "at the Office of the United States Attorney for the Western District of Pennsylvania, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219, or at such a time and in such other place as may be agreed upon by Assistant U.S. Attorney Colin Callahan or Trial Attorney Rohith Srinivas, who have been designated as False Claims Act custodians in this case, and you." (Ex. A at 1; Ex. B at 1.)

4. Messrs. McKeets and Murdy appeared for their CID testimony at the United States Attorney's office for the Northern District of West Virginia in Wheeling, West Virginia, rather than in Pittsburgh, Pennsylvania.

5. Attached hereto as **Exhibit C** is a true and copy of an e-mail string between me and the Government's counsel, Rohith Srinivas, including an August 21, 2018 e-mail in which I informed the Government that Mr. Murdy would appear for CID testimony in Wheeling, West Virginia on September 20, 2018. In an e-mail to me later the same day, Mr. Srinivas stated: "September 20 works for Mr. Murdy's testimony. Let's plan to start at 10am at the Wheeling U.S. Attorney's Office." (Ex. C at 1.)

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: May 24, 2019
in Washington, D.C.

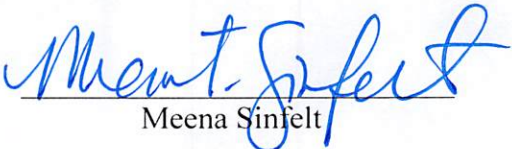

Meena Sinfelt

Exhibit A

(Declaration of Meena Sinfelt, Esq.)

Civil Investigative Demand - Oral Testimony

United States Department of Justice
Washington, D.C. 20530

TO: Scott McKeets
Chief Operating Officer
Wheeling Hospital, Inc.
1 Medical Park
Wheeling, WV 26003

Civil Investigative
Demand No. 18-393

This Civil Investigative Demand is issued pursuant to the False Claims Act, 31 U.S.C. §§ 3729-3733, in the course of a False Claims Act investigation to determine whether there is or has been a violation of 31 U.S.C. § 3729. This investigation concerns allegations that Wheeling Hospital, Inc. and its agents, R & V Associates, LTD. and its agents, and physicians with whom Wheeling Hospital, Inc. had financial relationships submitted and caused the submission of claims to Medicare and other federal healthcare payers that were false as a result of violations of the Stark Law, 42 U.S.C. § 1395nn, and/or the Anti-Kickback Statute, 42 U.S.C. § 1320a-7(b).

This Demand requires you to provide testimony to the Federal Government. This is the original of the Demand; no copies have been served on other parties. The information provided in response to this Demand may be shared, used, and disclosed as provided by 31 U.S.C. § 3733.

You are required by this Demand to give oral testimony under oath, commencing seven (7) days from the date of receipt of this Demand, at 10:00 a.m., at the Office of the United States Attorney for the Western District of Pennsylvania, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219, or at such time and in such other place as may be agreed upon by Assistant U.S. Attorney Colin Callahan or Trial Attorney Rohith Srinivas, who have been designated as False Claims Act custodians in this case, and you. Mr. Callahan may be contacted at (412) 894-7426 and Mr. Srinivas at (202) 307-6604. The testimony will be taken stenographically and also may be recorded audio-visually.

Mr. Callahan or Mr. Srinivas will be the False Claims Act investigator who will conduct the examination, and they are the custodians to whom the transcript of the deposition will be delivered.

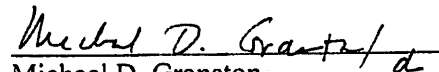
Your attendance and testimony at the oral examination are necessary to the conduct of the False Claims Act investigation described above. You have the right to be accompanied by an attorney and any other personal representative at the oral examination.

The general purpose for which this Civil Investigative Demand is issued is to discover your knowledge regarding the conduct under investigation as described in the first paragraph of this demand. The primary areas of inquiry are: (1) the business organization and history of

- 2 -

Wheeling Hospital, Inc. ("Wheeling"); (2) your roles and responsibilities at Wheeling; (3) your experiences, relationships, and communications with third parties and other Wheeling agents in the course of your work for Wheeling; (4) Wheeling's business practices, including the history and circumstances of its relationships and financial relationships with physicians and physician practice groups (including without limitation Radiology Associates, Inc.); (5) Wheeling's relationship with Insight Imaging (or any similarly named entity); (6) any compliance programs, policies, or training provided at or by Wheeling; and (7) Wheeling's compliance with applicable laws and regulations.

Issued at Washington, D.C., this 16th day of May, 2018.


Michael D. Granston
Director
Commercial Litigation Branch

VERIFIED RETURN OF SERVICE

I, _____, an employee of the United States working under the direction and supervision of Department of Justice Trial Attorney Rohith Srinivas in connection with a false claims law investigation, hereby certify that at the time of _____, on the _____ day of _____, 2018, I personally served Civil Investigative Demand No. 18-393 on _____, by delivering _____ an executed copy of such Demand at:

I declare under penalty of perjury that the foregoing is true and correct. Executed on this _____ day of _____, 2018.

Signature _____

Title _____

Exhibit B

(Declaration of Meena Sinfelt, Esq.)

Civil Investigative Demand - Oral Testimony

United States Department of Justice
Washington, D.C. 20530

TO: Jim Murdy
Chief Financial Officer
Wheeling Hospital, Inc.
1 Medical Park
Wheeling, WV 26003

Civil Investigative
Demand No. 18-394

This Civil Investigative Demand is issued pursuant to the False Claims Act, 31 U.S.C. §§ 3729-3733, in the course of a False Claims Act investigation to determine whether there is or has been a violation of 31 U.S.C. § 3729. This investigation concerns allegations that Wheeling Hospital, Inc. and its agents, R & V Associates, LTD. and its agents, and physicians with whom Wheeling Hospital, Inc. had financial relationships submitted and caused the submission of claims to Medicare and other federal healthcare payers that were false as a result of violations of the Stark Law, 42 U.S.C. § 1395nn, and/or the Anti-Kickback Statute, 42 U.S.C. § 1320a-7(b).

This Demand requires you to provide testimony to the Federal Government. This is the original of the Demand; no copies have been served on other parties. The information provided in response to this Demand may be shared, used, and disclosed as provided by 31 U.S.C. § 3733.

You are required by this Demand to give oral testimony under oath, commencing seven (7) days from the date of receipt of this Demand, at 10:00 a.m., at the Office of the United States Attorney for the Western District of Pennsylvania, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219, or at such time and in such other place as may be agreed upon by Assistant U.S. Attorney Colin Callahan or Trial Attorney Rohith Srinivas, who have been designated as False Claims Act custodians in this case, and you. Mr. Callahan may be contacted at (412) 894-7426 and Mr. Srinivas at (202) 307-6604. The testimony will be taken stenographically and also may be recorded audio-visually.

Mr. Callahan or Mr. Srinivas will be the False Claims Act investigator who will conduct the examination, and they are the custodians to whom the transcript of the deposition will be delivered.

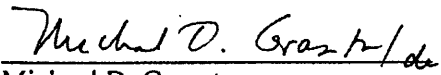
Your attendance and testimony at the oral examination are necessary to the conduct of the False Claims Act investigation described above. You have the right to be accompanied by an attorney and any other personal representative at the oral examination.

The general purpose for which this Civil Investigative Demand is issued is to discover your knowledge regarding the conduct under investigation as described in the first paragraph of this demand. The primary areas of inquiry are: (1) the business organization and history of

- 2 -

Wheeling Hospital, Inc. ("Wheeling"); (2) your roles and responsibilities at Wheeling; (3) your experiences, relationships, and communications with third parties and other Wheeling agents in the course of your work for Wheeling; (4) Wheeling's business practices, including the history and circumstances of its relationships and financial relationships with physicians and physician practice groups (including without limitation Radiology Associates, Inc.); (5) Wheeling's relationship with Insight Imaging (or any similarly named entity); (6) any compliance programs, policies, or training provided at or by Wheeling; and (7) Wheeling's compliance with applicable laws and regulations.

Issued at Washington, D.C., this 16th day of May, 2018.


Michael D. Granston
Director
Commercial Litigation Branch

VERIFIED RETURN OF SERVICE

I, _____, an employee of the United States working under the direction and supervision of Department of Justice Trial Attorney Rohith Srinivas in connection with a false claims law investigation, hereby certify that at the time of _____, on the _____ day of _____, 2018, I personally served Civil Investigative Demand No. 18-394 on _____, by delivering _____ an executed copy of such Demand at:

I declare under penalty of perjury that the foregoing is true and correct. Executed on this _____ day of _____, 2018.

Signature _____

Title _____

Exhibit C

(Declaration of Meena Sinfelt, Esq.)

Sinfelt, Meena

From: Srinivas, Rohith V. (CIV) <Rohith.V.Srinivas@usdoj.gov>
Sent: Tuesday, August 21, 2018 6:09 PM
To: Sinfelt, Meena; Howard, Roscoe; Battle, Michael; Frazee, David; Adenrele, Adey; Paragas, David
Cc: Callahan, Colin (USAPAW) 1
Subject: [EXTERNAL]RE: Wheeling investigation - Murdy CID

Meena – September 20 works for Mr. Murdy's testimony. Let's plan to start at 10am at the Wheeling U.S. Attorney's Office.

Thanks,
Ro

From: Sinfelt, Meena [mailto:Meena.Sinfelt@btlaw.com]
Sent: Tuesday, August 21, 2018 5:17 PM
To: Srinivas, Rohith V. (CIV) <rosriniv@CIV.USDOJ.GOV>; Howard, Roscoe <Roscoe.Howard@btlaw.com>; Battle, Michael <MBattle@btlaw.com>; Frazee, David <David.Frazee@btlaw.com>; Adenrele, Adey <Adey.Adenrele@btlaw.com>; Paragas, David <David.Paragas@btlaw.com>
Cc: Callahan, Colin (USAPAW) 1 <Colin.Callahan@usdoj.gov>
Subject: RE: Wheeling investigation - Murdy CID

Ro and Colin –

Mr. Murdy can be available on September 20th for his CID testimony in Wheeling if that date works for you. Please let us know.

Regards,
Meena

Meena Sinfelt | Of Counsel
Barnes & Thornburg LLP
1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623
Direct: (202) 371-6368 | Mobile: (614) 282-9431 | Fax: (202) 289-1330



Atlanta | Chicago | Dallas | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington, D.C.

From: Srinivas, Rohith V. (CIV) [mailto:Rohith.V.Srinivas@usdoj.gov]
Sent: Thursday, August 09, 2018 4:20 PM
To: Sinfelt, Meena; Howard, Roscoe; Battle, Michael; Frazee, David; Adenrele, Adey; Paragas, David
Cc: Callahan, Colin (USAPAW) 1
Subject: [EXTERNAL]Wheeling investigation - Murdy CID

Counsel – Good afternoon. I'm attaching a CID for Mr. Murdy's testimony. Can you please let us know whether you'll accept this service on his behalf? If so, can you please also check with him and your own calendars and let us know what if any days would work for his testimony the week of September 17?

Thanks,
Ro

Rohith V. Srinivas
Trial Attorney
U.S. Department of Justice
Civil Division
Commercial Litigation Branch, Fraud Section
Tel: (202) 307-6604
Fax: (202) 514-0280
rohith.v.srinivas@usdoj.gov

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